

**BEFORE THE PLANNING COMMISSION FOR
THE CITY OF BEAVERTON, OREGON**

After recording return to:
City of Beaverton, City Recorder:
4755 SW Griffith Drive
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR A)	ORDER NO. 2332
DESIGN REVIEW THREE APPROVAL FOR)	DR2013-0003 ORDER APPROVING WITH
THE REVIEW OF A NEW SINGLE-STORY,)	CONDITIONS.
1,073 SQUARE FOOT ADDITION TO THE)	
EXISTING SERVICE STATION BUILDING)	
FOR THE PURPOSE OF OPERATING A)	
CONVENIENCE STORE. ALLUSE)	
ARCHITECTURE, APPLICANT.)	

The matter came before the Planning Commission on July 31, 2013, and continued to September 18, 2013, on a request for approval of a Design Review Three application for a new single-story, 1,073 square foot addition to the existing service station building for the purpose of operating a convenience store. Other site improvements are proposed, including landscape modifications and removal of two driveways closest to the corner of SW Cedar Hills Boulevard and SW Canyon Road. The existing service station canopy will remain and the existing gas station operations will remain unchanged. The subject site is located at 12975 SW Canyon Road and is specifically identified as Tax Lot 2200 on Washington County Assessor's Map 1S1-16AA, respectively. The affected parcel is zoned Regional Center – Transit Oriented – Multiple Use and occupies approximately 19,575 square feet.

Pursuant to Ordinance 2050 (Development Code), Section 50.45 the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

Prior to the public hearing staff published a written staff report (dated July 24, 2013) as well as a supplemental memorandum (dated September 11, 2013). The staff report recommended approval of the proposed application with associated conditions of approval. The supplemental memorandum reviewed the concerns raised by the planning commission at the July 31, 2013, public hearing, and recommended two additional conditions of approval.

During the hearing, the commission provided the following comments:

- Technical concerns with regard to the ITE use description identified in the traffic analysis for the existing use and possible under estimation of trip numbers and the possible impact with regards to on-site queuing.
- The inconsistency between the staff report and the site plan in regards to the width of the driveway to SW Canyon Road at the southeast corner of the site.
- The inconsistency between the traffic analysis and the applicant's site plan in regards to the width of the driveway to SW Canyon Road at the southeast corner of the site.
- Proposed location of the on-site pedestrian connection leading to SW Cedar Hills Boulevard was shown behind vehicle parking spaces and concerns were raised as to potential conflicts with pedestrian safety and vehicle traffic flow.
- The lack of street trees along SW Cedar Hills Boulevard and SW Canyon Road.

In oral and written testimony presented at the continued hearing, the applicant provided evidence in support of the proposal in response to the Planning Commission questions.

The Planning Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated July 24, 2013, and Staff Memorandum dated September 11, 2013, as amended, as applicable to the approval criteria contained in Section 40.20.15.3.C of the Development Code.

IT IS HEREBY ORDERED that DR2013-0013 is APPROVED based on the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings, and conclusions found in the Staff Report dated July 24, 2013, and the Staff Memorandum dated September 11, 2013, as amended, subject to the following conditions:

Prior to any work beginning on site and issuance of the site development permit, the applicant shall:

1. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD)
2. Contract with a professional engineer to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (June 2007, Resolution and Ordinance 2007-020), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
3. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4417; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)
4. Have the ownership of the subject property guarantee all public improvements (driveway apron, curb & gutter, sidewalk), site grading, storm water management (quality) facilities, emergency access paving

by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)

5. Submit to the City a copy of issued permits or other approvals needed from the Oregon Department of Transportation (ODOT) for work within, access, drainage, and/or construction access to Canyon Road. (Site Development Div./JJD)
6. Submit a geotechnical and geo-environmental report with the site development permit application for review and approval by the City Engineer. The report shall include an assessment of the soil and any toxic contaminants, ground/surface water issues, any needed clean-up action, remediation methods, Oregon Department of Environmental Quality requirements, disposal regulations, and worker safety measures. It shall be prepared by a professional engineer or registered geologist to the specifications of the City Engineer and rules of the Oregon Department of Environmental Quality (DEQ). (Site Development Div./JJD)
7. Submit a letter of "no further action" (NFA) or other documentation specifically allowing the proposed construction activities and site plan approval from the Oregon DEQ (Case File #34-87-0008). (Site Development Div./JJD)
8. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD)
9. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div./JJD)
10. Provide a detailed drainage analysis of the subject site and all tributary areas and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. (Site Development Div./JJD)
11. Provide final construction plans and a final drainage report demonstrating compliance with CWS Resolution and Order 2007-020 in regard to redevelopment water quality treatment (see Table 4-1), through installation of Contech Inc., Storm filter catch basin systems. Treatment shall be provided at a minimum equivalent of 3.0 cartridges

per tributary impervious acre as generally outlined in the preliminary drainage report dated April 7, 2013. (Site Development Div./JJD)

12. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement, with maintenance plan and all standard exhibits, ready for recording with Washington County Records. (Site Development Div./JJD)
13. Submit to the City a certified impervious surface determination of the proposed project by the applicant's engineer, architect, or surveyor. The certification shall include an analysis and calculations of all impervious surfaces as a total on the site. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area. (Site Development Div./JJD)
14. Pay a storm water system development charges (overall system conveyance and quantity) for any net new impervious area proposed. (Site Development Div./JJD)
15. Provide plans for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. No utility service lines to the building, lot lighting, and structures shall remain overhead on site; all utilities must be provided underground. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)

Prior to building permit issuance, the applicant shall:

16. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
17. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)

Prior to final inspection of any building permit or occupancy permit issuance, the applicant shall:

18. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)

19. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)
20. Have placed underground all affected, applicable existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div./JJD)
21. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
22. Have obtained a Source Control Permit (AKA Industrial Sewage Permit) from the Clean Water Services District and submitted a copy to the City Building Official if such a permit is required, as determined by CWS. (Site Development Div./JJD)

Prior to release of performance security, the applicant shall:

23. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)
24. Submit any required on-site easements, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)
25. Provide evidence of a post-construction cleaning, system maintenance, and Storm Filter recharge/replacement per manufacturer's recommendations and a pre-paid service contract for a two year period from the date of performance acceptance for the site's proprietary storm water treatment systems by a CONTECH qualified maintenance provider as determined by the City Engineer. (Site Development Div./JJD)
26. "No Parking" signs placed near the loading area in front of the trash enclosure and near the raised concrete platform at the southeast corner of the site. (Planning/JST)

27. Visually striping the loading area directly in front of the trash enclosure and the portion of the raised concrete platform that encroaches visual clearance triangle at the southeast corner of the site. Striping shall conform to Section 440.2 of the Engineering Design Manual as excepted below:

"permanent pavement striping and markings shall be non-profile Methyl Methacrylate durable permanent pavement marking material"

CARRIED by the following vote:

AYES: Doukas, Kiene, Nye, Winter, and Overhage.

NAYS: None.

ABSTAIN: None.

ABSENT: Maks and Stephens.

Dated this 30th day of September, 2013.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2332 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 5:00 p.m. on Thursday, October 10, 2013.

ATTEST:


JASON T.
Assistant Planner

PLANNING COMMISSION
FOR BEAVERTON, OREGON:

APPROVED:


KIM OVERHAGE
Chair


STEVEN A. SPARKS, AICP
Planning Division Manager